

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

OLGA DUNINA,

Case No. 3:07-cv-014

Plaintiff,

Judge: Michael R. Merz

★

v.

CIRRUS CONCEPT CONSULTING, INC.

**DEFENDANT'S FIRST
REQUEST FOR ADMISSIONS
DIRECTED TO PLAINTIFF**

Defendant.

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Pursuant to Rule 36 of the Federal Rules of Civil Procedure, Defendant Cirrus Concept Consulting, Inc., ("Cirrus"), hereby requests that Plaintiff Olga Dunina admit, deny, or otherwise respond to the statements contained herein within thirty days from the date of service hereof.

- 1 The document attached as Exhibit A is an accurate copy of a Complaint filed by Plaintiff in the Montgomery County, Ohio Court of Common Pleas on November 18, 2004.
2. Prior to November, 2002, Plaintiff worked as a Registered Nurse for various resource agencies, who sent her to different hospitals to work, as stated on the 6th page of Exhibit A.

On November 16, 2002, Plaintiff was working at Sycamore Hospital of Kettering Medical Network as a result of a referral from Maxim Nursing Agency to Life Care Hospitals of Dayton as stated on the 6th page of Exhibit A.

Plaintiff was fired for allegedly stealing morphine on November 16, 2002, while on duty as an RN for Life Care Hospitals of Dayton as stated on the 5th and 6th page of Exhibit A.

As a result of being accused of and fired for stealing Morphine, Plaintiff was damaged professionally as stated on the 8th page of Exhibit A.

6. Since being accused of and fired for stealing Morphine, Plaintiff has had difficulty finding employment at any hospital in the Dayton, Ohio area.
7. Plaintiff did not list her employment with Maxim, Life Care, Sycamore, or Kettering Medical Network in the resume which she provided to Defendant for the purposes of procuring employment at local hospitals through Defendant.

8. Plaintiff is on the do not return list at all hospitals in the Kettering Medical Network as a result of being fired for stealing morphine.
9. Kettering Medical Network includes Kettering Medical Center, Grandview Hospital, Southview Hospital, and Sycamore Medical Center.
10. Kettering Medical Network is one of Defendant's primary clients.
11. The document attached as Exhibit B is an accurate copy of an opinion rendered by the Court of Appeals for Montgomery County, Ohio affirming summary judgment against Dunina on her claims raised in Exhibit A.
12. The document attached as Exhibit C is an accurate copy of the Report of Investigation of the Ohio State Board of Pharmacy concerning the events of November 16, 2002 over which Plaintiff was fired.

13. The document attached as Exhibit D is an accurate copy of the discrimination charge which was filed by Plaintiff against Defendant on February 6, 2006.
14. The document attached as Exhibit E is an accurate copy of a decision from the Ohio Civil Rights Commission, which was dated July 13, 2006 and received by Plaintiff by July 17, 2006.
15. The document attached as Exhibit F is an accurate copy of a decision of the Equal Employment Opportunity Commission, which was dated on October 13, 2006 and received by Plaintiff by October 17, 2006.
16. The only legal claims which Plaintiff is making against Defendant in her Amended Complaint are claims under Title VII of the Civil Rights Act of 1964 for national origin discrimination, age discrimination, and retaliation.
17. The only facts that Plaintiff has supporting her claim that she was discriminated against because of her national origin is that she is a Russian immigrant and Defendant did not successfully refer her for placement as a Registered Nurse at one of its hospital clients.

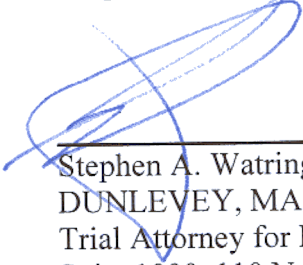
18. The only facts that Plaintiff has supporting her claim that she was discriminated against because of her age is that she is over 40 years of age and Defendant did not successfully refer her for placement as a Registered Nurse at one of its hospital clients.
19. The only facts that Plaintiff has supporting her claim of retaliation is that she is a Russian immigrant over 40, and Defendant continued to fail to refer her to its client hospitals after Plaintiff filed her charge of discrimination.
20. Defendant told Plaintiff that it had unsuccessfully attempted to place Plaintiff with its clients.
21. Plaintiff has no evidence that Defendant did not attempt to place Plaintiff with its clients.
22. Plaintiff has no evidence that Defendant was successful in placing Plaintiff with its clients.

Defendant unsuccessfully attempted to place Plaintiff with its clients.

Defendant would have hired Plaintiff if it had been successful in placing Plaintiff with its clients.

25. Plaintiff has no evidence that Defendant would not have hired her had it been successful in placing Plaintiff with one of its clients.

Respectfully submitted,



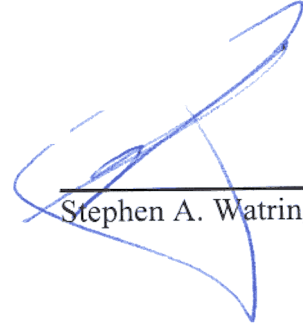
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served via electronic and ordinary U.S. mail upon:

Olga V. Dunina
10661 North Montgomery County Line Road
Brookville, Ohio 45309

on this 4th day of June, 2007.



Stephen A. Watring (0007761)